

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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October 7, 2013

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Upton:

I am writing to ask you to correct a series of inaccurate statements that you released last week on the Affordable Care Act Navigator program.

On October 2, 2013, a Committee press release claimed that Affordable Care Act “Navigators go door to door” and asserted that even though Administration officials had provided guidance that Navigators were not to conduct such canvasses, “such activity began on day one.”¹ The source cited by the Committee was a Fox News story.

But this assertion was not correct. Neither of the two groups cited in the Fox News report – the United Way affiliate serving Coral Gables, Florida, and Enroll America – are part of the federal Navigator grant program. It is not clear why you made this unfair allegation. The list of federal Navigator grant recipients has been published by the Centers for Medicare and Medicaid Services, and it does not include these organizations.²

My staff spoke to your staff to bring this inaccuracy to their attention and to ask that the inaccurate release be corrected or removed from the Committee website. Your staff did not remove the incorrect information, which remains posted on your website.

On October 4, 2013, the Committee issued a second press release. This release states that “some residents in Florida received a knock on their door from United Way and Enroll America,

¹ Committee on Energy and Commerce, Majority Staff, *VIDEO: Navigators Go Door-to-Door Less Than Two Weeks After Obamacare Czar Assured Committee They Would Not* (Oct. 2, 2013) (press release).

² U.S. Department of Health and Human Services, *Navigator Grant Recipients* (Aug. 15, 2013) (online at www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Downloads/navigator-list-8-15-2013.pdf).

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groups identifying themselves as Navigators.”³ The release indicated that the practice – groups identifying themselves as Navigators but not following relevant federal Navigator rules – presented consumer protection concerns.

But this second release also appears to be inaccurate. There is no evidence that the groups you cited identified themselves as federal Navigators.

I understand that the Republican majority in the House has taken the reckless and extreme step of shutting down the federal government in a futile effort to gain leverage to block implementation of the Affordable Care Act. But your side’s intense antipathy toward providing health coverage to American families does not justify distorting the factual record and persisting in releasing misleading information.

I urge you to correct the record and to end this investigation.

Sincerely,



Henry A. Waxman
Ranking Member

³ Committee on Energy and Commerce, Majority Staff, *Consumer Protections? Depends on Who is Knocking* (Oct. 4, 2013) (press release).